

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE A. PAPILLION, Sr.,

Plaintiff,

CIV S-05-0708 CMK

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

ORDER

Defendant.

On August 14, 2006, plaintiff filed a request for oral argument on his motion for summary judgment. (Doc. 24.) Plaintiff previously filed a request for oral argument on August 4, 2006 (doc. 22), which the court denied without prejudice. (Doc. 23.) On August 4, 2006, plaintiff also filed a "Motion/Brief for Summary Judgment and/or Remand."

In the scheduling order filed on August 16, 2005, plaintiff was notified that a motion for summary judgment should contain: (1) a plain description of plaintiff's alleged physical or emotional impairments, the date on which plaintiff contends the impairments became disabling, and how the impairments disable plaintiff from work; (2) a summary of the administrative proceedings before the Commissioner of Social Security; (3) a summary of relevant medical evidence, including an explanation of the significance of clinical and laboratory findings and the purpose and effect of prescribed medication and therapy; (4) a summary of the

1 relevant testimony at the administrative hearing; (5) a recitation of the Commissioner's findings
2 and conclusions relevant to plaintiff's claims; (6) a short, separate statement of each of plaintiff's
3 legal claims stated in terms of the insufficiency of the evidence to support a particular findings of
4 fact or reliance upon erroneous legal standards; and (7) argument separately addressing each
5 claimed error. (Doc. 5-1, 3:5-21.)

6 Plaintiff's motion for summary judgment contains none of the above mentioned
7 requirements. From plaintiff's filing, it is impossible to determine what plaintiff's legal claims
8 are. Accordingly, the court strikes plaintiff's August 4, 2006 motion for summary judgment and
9 gives plaintiff leave to file a motion for summary judgment, which complies with the scheduling
10 order within the next forty-five days.

11 IT IS ORDERED that:

12 1. Plaintiff's motion for summary judgment is stricken from the record for failure
13 to comply with the court's August 16, 2005 (doc. 5-1) scheduling order;

14 2. Plaintiff is granted forty-five days from the date this order is filed to file a
15 motion for summary judgment which complies with the requirements listed in the August 16,
16 2005 scheduling order;

17 3. As plaintiff's motion for summary judgment is stricken from the record, his
18 motion for oral argument is denied as moot; and

19 4. The Clerk of the Court is directed to send plaintiff a copy of the court's August
20 16, 2005 scheduling order (doc. 5-1.)

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22 DATED: August 22, 2006.

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25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE